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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18
19 ORACLE AMERICA, INC.,

Plaintiff,

20 v.
21

22 GOOGLE INC.,

Defendant.

23 Case No. 3:10-cv-03561-WHA

24 **DECLARATION OF REID MULLEN IN
SUPPORT OF ORACLE AMERICA,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL (DKT.
NO. 571)**

25 Judge: Hon. William Alsup

26 Date Comp. Filed: October 27, 2010

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1 I, Reid Mullen, declare as follows:

2 1. I am an associate in the law firm of Keker & Van Nest LLP, counsel to Google
3 Inc. ("Google") in the present case. I submit this declaration in support of Oracle America Inc.'s
4 ("Oracle") Administrative Motion to File Under Seal Portions of Oracle's Responsive
5 Supplemental Brief in Opposition to Google's Motion *in Limine* No. 3 to Exclude Portions of
6 Cockburn Report on Damages (Dkt. No. 571). I have knowledge of the facts set forth herein,
7 and if called to testify as a witness thereto could do so competently under oath.

8 2. Oracle moves to file under seal the following documents, which I have reviewed:

9 • Exhibits A, C-F, H, J, L, and M to the Declaration of Meredith Dearborn in
10 Support of Oracle's Responsive Supplemental Brief in Opposition to Google's Motion *in Limine* No. 3 to Exclude Portions of Cockburn Report on Damages (Dkt. No. 573) ("Dearborn Decl."); and
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12 • Portions of Oracle's Responsive Supplemental Brief in Opposition to Google's Motion *in Limine* No. 3 to Exclude Portions of Cockburn Report on Damages (Dkt. No. 572) ("Oracle's Responsive Brief").

13 3. Exhibit J to the Dearborn Decl. (Dkt. No. 573) is an excerpt from the Expert
14 Report of Dr. Gregory K. Leonard ("the Leonard Report"). The Court previously has granted a
15 request to file the Leonard Report under seal (Dkt. No. 583). The Leonard Report contains
16 information that has been designated HIGHLY CONFIDENTIAL – ATTORNEY'S EYES
17 ONLY pursuant to the stipulated protective order in this case. The report and the underlying
18 documents contain Google's sensitive, non-public financial data, such as costs, revenues, and
19 profits associated with Android. The report and underlying documents also contain non-public
20 information about Google's consideration of and potential financial impact from alternatives to
21 the intellectual property at issue in this lawsuit. Additionally, the report contains non-public
22 information about licensing arrangements with third-parties, which are protected by
23 confidentiality clauses with those third-parties. Google does not make this information available
24 to the public. Public disclosure of this confidential information would cause great and undue
25 harm to Google, and place it at a competitive disadvantage.

26 4. Exhibit M to the Dearborn Decl. (Dkt. No. 573) contains the personal cell phone
27 number of Andrew Rubin. The Court previously has granted a request to file a redacted version
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1 of this document in the public record. (Dkt. No. 459). Mr. Rubin does not share his cell phone
2 number publicly during the ordinary course of business, and public disclosure of this information
3 would cause undue harm. Exhibit M to the Dearborn Decl. should therefore be sealed, and a
4 redacted version with the phone number obscured should be re-filed in the public record.

5. Google does not request sealing of Exhibits A, C-F, H or L, of the Dearborn Decl.
6 (Dkt. No. 573). Nor does Google request sealing of the redacted portions of Oracle's
7 Responsive Brief (Dkt. No. 572).

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9 I declare under penalty of perjury that the foregoing is true and correct and that this
10 declaration was executed at San Francisco, California on November 3, 2011.

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By: /s/ Reid Mullen
REID MULLEN

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